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MEMO ENDORSED

Andrew J. Spano  
County Executive

Office of the County Attorney

Charlene M. Indelicato  
County Attorney

November 15, 2007

Honorable Charles L. Brient  
United State District Judge  
United States Courthouse  
300 Quarropas St., Room 633  
White Plains, NY 10601

Re: Mark Tornello v. County of Westchester  
07 Civ. 6697 (CLB)

Dear Judge Brient:

As you are aware this Office represents the County of Westchester in the above-referenced matter. On October 29, 2007, the County filed its motion to dismiss Plaintiff's complaint, pursuant to 12(b)(6) of the Federal Rules of Civil Procedure. On November 12, 2007, Plaintiff filed its Opposition to the County's Motion, based almost completely upon a First Amended Complaint. On November 13, 2007, Plaintiff filed the First Amended Complaint.

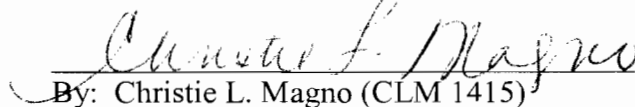
As the First Amended Complaint nullifies the Complaint upon which Defendant based its motion to dismiss, the parties have agreed that Defendant will withdraw its pending motion to dismiss, without prejudice to move to dismiss the First Amended Complaint. Therefore, the parties have agreed and propose to the Court the following schedule: County's time to move or answer is December 28, 2007, should Defendant move to dismiss, Plaintiff's Opposition, if any, is January 11, 2008; and County's Reply is January 25, 2008. In light of the aforementioned, the parties respectfully request that the December 7, 2007 conference for oral arguments be adjourned to a new date.

Application Granted  
November 16, 2007  
White Plains, NY  
Charlene M. Indelicato

Please contact me at 914-995-5103, should Your Honor have any questions.  
Thank you in advance for your courtesies.

Very truly yours,

CHARLENE M. INDELICATO  
County Attorney  
Attorney for County Defendants

  
By: Christie L. Magno (CLM 1415)

Assistant County Attorney  
of Counsel  
Michaelian Office Building  
148 Martine Avenue, Room 600  
White Plains, New York 10601  
(914) 995-5103

cc: Via Regular Mail and Facsimile 914-428-8916  
Jonathan Lovett, Esq.  
Lovett and Gould, LLP  
222 Bloomingdale Road  
White Plains, NY 10605